

AN ORDINANCE TO AMEND, CHAPTER 21, ARTICLE III OF THE CODE OF
ORDINANCES SO AS TO REQUIRE MOTOR VEHICLES TO GIVE THREE FEET
CLEARANCE WHEN PASSING BICYCLES

WHEREAS, The State of Tennessee currently has in effect Tennessee Code Annotated 55-8-175(c)(2) which sets forth guidelines for motor vehicles overtaking and passing a bicycle on roadways; and

WHEREAS, Tennessee Code Annotated 16-18-302 (a)(1-2) recognizes and authorizes a municipal court to possess jurisdiction to enforce any municipal law or ordinance that mirrors, substantially duplicates or incorporates by cross-reference the language of a state criminal statute, if and only if the state criminal statute mirrored, duplicated or cross-referenced is a Class C misdemeanor and the maximum penalty prescribed by municipal law or ordinance is a civil fine not in excess of fifty dollars (\$50.00); and

WHEREAS, Tennessee Code Annotated 55-8-175 (d) provides that violation of the Tennessee Code Annotated 55-8-175 is a Class C misdemeanor; and

WHEREAS, the City Council of the City of Memphis intends to exercise its authority to enact new traffic ordinances.

SECTION 1. NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that Chapter 21, Article III is hereby amended to create a new Section 21-134.3 to read as follows:

Sec. 21-134.3. **Overtaking and passing bicycles.**

(a) The operator of a motor vehicle, when overtaking and passing a bicycle proceeding in the same direction on the roadway, shall leave a safe distance between the motor vehicle and the bicycle of not less than three feet (3') and shall maintain the clearance until safely past the overtaken bicycle.

(b) A violation of this section is a Class C misdemeanor, subject to a 50.00 fine.

SECTION 2. BE IT FURTHER ORDAINED, that the provisions of this Ordinance are hereby severable. If any of these sections, provisions, sentences, clauses, phrases, or parts are held unconstitutional or void, the remainder of this Ordinance shall continue in full force and effect.

SECTION 3. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that this Ordinance shall take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of Mayor in writing by the comptroller and become effective as otherwise provided by law.

Myron Lowery
Council Chairman

Attest:
Patrice Thomas, Comptroller

SUMMARY SHEET

I. DESCRIPTION OF ITEM

Adoption of this ordinance will amend Chapter 21, Article III of the City of Memphis Code of Ordinances to create Section 21-134.2, an ordinance establishing a penalty for operating low speed vehicles on city streets. This ordinance will make the operation of low speed vehicles on city streets a Class C misdemeanor, subject to a 50.00 fine. Once approved, the final version will be provided to the publisher for the purpose of amending the Code.

II. SOURCE AND AMOUNT OF FUNDING

Not applicable.

III. CONTRACT ITEMS

Not applicable.

IV. ADDITIONAL INFORMATION RELEVANT TO APPROVAL OF THIS ITEM

This proposed ordinance is an adoption of Tennessee Code Annotated 55-8-191. Tennessee Code Annotated 16-18-302 (a)(1-2) recognizes and authorizes a municipal court to possess jurisdiction to enforce any municipal law or ordinance that mirrors, substantially duplicates or incorporates by cross-reference the language of a state criminal statute, if and only if the state criminal statute mirrored, duplicated or cross-referenced is a Class C misdemeanor and the maximum penalty prescribed by municipal law or ordinance is a civil fine not in excess of fifty dollars (\$50.00).